

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 17-51 are pending, Claims 17, 22 and 35 having been amended by way of the present amendment. No new matter has been added.

In the outstanding Office Action the specification was objected to; Claims 17, 22 and 35 were rejected under 35 U.S.C. § 112, second paragraph; Claims 17, 22, 23, 29, 35 and 40 were rejected under 35 U.S.C. § 112, first paragraph; and Claims 17-51 were indicated as containing allowable subject matter. Applicant appreciatively acknowledges the identification of allowable subject matter.

In reply, the specification is amended as requested.

With regard to the rejection of Claims 17, 22 and 35 under 35 U.S.C. § 112, second paragraph, each of these claims has been amended to define a particular structure, namely a central processing unit that extracts at least one text-based control command.... Non-limiting support is found in the specification, for example CPU 22a in Figure 2, as well as the discussion at the top of page 15, explaining that the CPU 22a reads the electronic mail stored in the RAM 22c successively one line by one line and judges whether a command character string (character string which contains a control command) is contained. Thus, it is respectfully submitted that the amendments to Claims 17, 22 and 35 are no longer governed by 35 U.S.C. § 112, sixth paragraph and otherwise comply with 35 U.S.C. § 112, second paragraph.

Also, MPEP § 2173.05(g) explains that “assuming that an applicant is claiming what he regards as his invention, there are in reality only two basic grounds for rejecting a claim under § 112. The first is that the language used is not precise and definite enough to provide a clear-cut indication of the scope of the subject matter embraced by the claim [§ 112 ¶2]....

The second is that the language is so broad that it causes the claim to have a potential scope of protection which is beyond that which is justified by the specification disclosure [§ 112 ¶1]” (In re Swinehart, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).)

Regarding the rejection under 35 U.S.C. § 112, first paragraph, it is respectfully submitted that the amendment made to Claims 17, 22 and 35 allows for the specification to fully enable the claims’ feature. In particular, the specification provides an adequate written description that would enable one of ordinary skill in the art to use a central processing unit that extracts at least one text-based control command, as discussed at the top of page 15 of the specification for example. Accordingly, it is respectfully submitted that Claims 17, 22 and 35 also comply with 35 U.S.C. § 112, first paragraph.

In a similar fashion, Claims 23, 29 and 40 have been amended to also define a central processing unit programmed to extract at least one text-based control command.... Once again it is respectfully submitted that the claim as amended, does reflect that the specification fully enables the scope of the claim, as amended.


Accordingly, it is respectfully submitted that Claims 17, 22, 23, 29, 35 and 40 are definite and enabled by the specification. In light of the indication of allowable subject matter it is therefore believed that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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